UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,110	05/09/2001	David Frederick Bantz	YOR920010328US1	5012

				EXAMINER
35526	7590	02/09/2006		PIERRE, MYRIAM

DUKE. W. YEE
YEE & ASSOCIATES, P.C.
P.O. BOX 802333
DALLAS, TX 75380

ART UNIT	PAPER NUMBER
2654	

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _14 March 2005_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1,3-13,16-21,23-31 and 34-38_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1,3-13,16-21,23-31 and 34-38_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   Applicant's Amendment filed 11/28/2005, responsive to OA of 03/21/2005, the

proposed changes are approved by the examiner; claims 14-15, and 32-33 are canceled;

and claims 1, 21 and 39 are amended.

Response to Arguments

2.   Applicant's arguments filed 11/28/2006 have been fully considered but they are

not persuasive.

35 U.S.C. 102 Anticipation

Applicant argues that Engelke (6,594,346) do not teach analyzing the transcript to

identify words of importance. Examiner respectfully disagrees, Engelke does teach

transcription to identify the words of importance, col. 9 lines 14-46. The word of

importance is the word that the hearing impaired user needs to have translated via close

captioning, when translating from one language to another, the words of importance are

the words needing to be translated.

Applicant argues that Engelke does not make reference to analyzing the transcript

for any reason, examiner respectfully disagrees. Engelke does teach analyzing the

transcript, such as when the transcript needs to be translated from one language to

another, col. 9 lines 14-46.

Applicant argues that Engelke cannot be cited as teaching the features of Dragon

Systems because Engelke does not teach the features of Dragon Systems, Dragon

Systems cannot be referenced in Engelke as employing certain features. Examiner

respectfully disagrees. Engelke does teach Dragon Systems which employs a variety of

features, col. 6 lines 13-26.

Applicant request the examiner provide a reference, containing a date this is prior

to the present invention's filing date of May 9, 2001, describing the features ascribed in

the Final Office Action to Dragon Systems. Dragon Systems works in conjunction with a

word processors via voice commands, thus, the aspect of word processing alone, such as

via Microsoft, allows for the flexibility in text formatting. The advantage of a word

processor is being able to edit text, such as fonts, highlights, and other cosmetic

adjustments. The Dragon System works with a word processor and thus, allows the users

to update or edit text via voice commands. Because Dragon Systems is well known in

the art, Engelke has disclosed the benefit of using Dragon System, which employs the

features and advantages for the hearing impaired via a word processor.

Applicant argues that Engelke makes no mention of training the voice recognition

software to include speech input from the caller or other speaking third party. Examiner ·

respectfully disagrees. Engelke does teach voice recognition software by providing

Dragon System, Naturally Speaking, col. 6 lines 13-36.

Applicant argues that Engelke does not teach that the portion of the

communication that is transcribed includes speech input from the caller that initiated the

communication as recited in claim 3, examiner respectfully disagrees. Engelke does

teach transcription to identify the words of importance, col. 9 lines 14-46 and would

inherently include speech input from the caller or the person who is slightly hearing

impaired.

Applicant argues that Engelke makes no mention to training the voice recognition

software to include speech input from the caller or other speaking third party . Examiner

respectfully disagrees. Engelke does teach voice training from a call assistant, which is

the third party or the caller, col. 6 lines 13-36.

Applicant argues that Engelke makes no reference to employing a reduced

vocabulary of recognized words by the voice recognition system, the features of Dragon

System are not taught by the Engelke reference as suggested by the examiner, examiner

respectfully disagrees. Engelke does teach Dragon Systems, voice recognition package,

col. 6 lines 25-36.

Applicant argues that Engelke does not teach that the words that are specific to

communications typically handled by the first device as recited in claim 8, examiner

respectfully disagrees. Engelke does teach words specific to communications as this is

inherent to the voice recognition software of Dragon System, Naturally Speaking, col. 6

lines 25-36).

Applicant argues that Engelke makes no reference to automatically enabling the speech recognition function examiner respectfully disagrees. Engelke does teach Dragon Systems, voice recognition package, col. 6 lines 25-36.

Applicant argues that Engelke does not teach enabling the speech recognition function automatically upon the occurrence of a triggering even as recited in claim 9 and Engelke does not teach wherein the triggering even is receipt of the communication at the first device as further recited in claim 10, examiner respectfully disagrees. Engelke does teach Dragon Systems, voice recognition package, col. 6 lines 25-36, in which the system is triggered or activated in receipt of the first device.

35 U.S.C. 103 Obviousness, Dependent Claims 4-6, 16--20, 24-26, and 34-35

Applicant argues that Engelke does not teach or suggest analyzing the transcription to identify words of importance and displaying the transcription with words of importance. Examiner respectfully disagrees, Engelke does teach transcription to identify the words of importance, col. 9 lines 14-46. The word of importance is the word that the hearing impaired user needs to have transcribed via close captioning. The applicant arguments are based on the newly amended claims and are addressed in the claim rejection below.

Applicant argues that Beck (6,370,508) does not teach identify the organization or location of the first and second devices, examiner respectfully disagrees. Beck does teach providing the device using the first party and the second device are provided by a

different entity. (Beck uses an "enterprise entity" which is defined as an agent,

knowledgeable worker, or any other live attendant, so the party devices, either via

telephone or WEB, can be different entities or workers column 18, line 6-10 and Fig 1

Applicant argues that neither Engelke nor Beck teach or suggest the recited claim

16 limitation, examiner respectfully disagrees. Beck et al. do teach providing the device

using the first device and the second device are provided by a same entity. (Beck uses a

"single entity" for string dialog which will occur between first and second devices, such

as agent A and customer B, column 22, line 22-24 and Fig 3-4).

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1, 3, 7-13, 21, 23, 27-31, and 39 rejected under 35 U.S.C. 102(e) as being

anticipated by Engelke (6,594,346).

As to claim 1, Engelke teaches

enabling a speech recognition function; using the speech recognition function to

transcribe (col. 2 lines 51-52) a portion of the communication thereby generate

transcription (col. 3 lines 25-29 and col. 6 lines 8-17), wherein the portion of the

communication that is transcribed includes only speech input from a first call taker to the

first device (personal interpreter or relay) (col. 5 lines 14-15; and 28-30)

sending the transcription to the second device (telephone, visual display) when handing

over the communication from the party device to the second device (col. 2 lines 50-59;

captioned telephone col. 8 lines 58-67).

analyzing the transcription to identify words of importance (col. 9 lines 14-26,

when translating from one language to another, the words of importance are the words

needed to be translated)

displaying the transcription on the first device with the words of importance

conspicuously identified in the display by one of highlighting, using a different color text,

using a different size font, and using a different style font (col. 6 lines 25-36, Dragon

System, employs the features and advantages for the hearing impaired via a word

processor, the word processor inherently has features for editing text such as font style or

color); and

Claim 21 is directed toward an apparatus to implement or execute the method of
claim 1, and is similar in scope and content of claim 1, therefore, claim 21 is rejected
under similar rationale.

Claim 39 is directed toward a computer program product with computer readable
medium to implement or execute the method of claim 1, and is similar in scope and
content of claim 1, therefore, claim 39 is rejected under similar rationale.

As to claims 3 and 23, which depend on claims 1 and 21, Engelke teaches

the portion of the communication that is transcribed includes speech input from the caller that initiated the communication (col. 4 lines 43-44 and col. 5 lines 10-15 and 20).

As to claims 7 and 27, which depend on claims 1 and 21, Engelke teaches the speech recognition function is trained based on speech input from the first call taker (relay operator) associated with the first device (terminal or computer) (col. 6 lines 9-20).

As to claims 8 and 28, which depend on claims 1 and 21, Engelke teaches the speech recognition function makes use of a reduced vocabulary of recognized words that are specific to communications typically handled by the first device (Dragon Systems, voice recognition package, col. 6 lines 25-36).

As to claims 9 and 29, which depend on claims 1 and 21, Engelke teaches enabling the speech recognition function automatically upon the occurrence of a triggering event (Dragon Systems, voice recognition package, col. 6 lines 25-36)

As to claims 10 and 30, which depend on claims 9 and 29, Engelke teaches wherein the triggering event is receipt of the communication at the first device (Dragon Systems, voice recognition package, col. 6 lines 25-36).

As to claims 11 and 31, which depend on claims 1 and 21, Engelke teaches

enabling the speech recognition function is performed in response to a manual

input from the first call taker associated with a first device (Fig. 3 element 12 and 14, col.

4 lines 1-7).

As to claim 12, which depends on claim 1, Engelke teaches

displaying the transcription on a first device (col. 2 lines 50-59; captioned

telephone col. 8 lines 58-67).

As to claim 13, which depends on claim 1, Engelke teaches

displaying the transcription on the second device after the transcription is received

by the second device when handing over the communication from the first device to the

second device (col. 2 lines 50-59; captioned telephone col. 8 lines 58-67).

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 4-6, 18-20, 24-26, and 36-38 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Engelke (6,594,346) further in view of Eisdorfer et al. (5,745,550).

As to claims 4 and 24, which depend on claims 1 and 21, Engelke teaches the first

device is a first call taker workstation (Fig. 4).

Engelke does not specifically teach a second device for the work station in a call

center as per claims 4 and 24.

However, Eisdorfer do teach caller taker workstation associated with a call center,

and the second device being a second call taker workstation of the call center (Fig. 1 and

col. 4 lines 56-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to incorporate the teaching of Eisdorfer in the device of Engelke,

because Eisdorfer et al. teach that this would provide the user with additional expertise

(such as additional expertise in multi-lingual communication), thus additional expertise is

appropriate when a call taker does not speak the same language as the caller, and

additional help is required by transferring the call to another work station who

speaks/understands the language of the caller, col. 4 lines 56-67.

As to claims 5 and 25, which depend on claims 4 and 24, Engelke teaches first

level of assistance (col. 2 lines 50-58) does not specifically teach second level of

assistance.

However, Eisdorfer et al. do teach a second call taker associated with the second

call taker workstation (Fig. 1) provides a second level of assistance (appropriate language

speaking caller, col. 4 lines 42-55).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to incorporate the teaching of Eisdorfer in the device of Engelke,

because Eisdorfer et al. teach that this would provide quick access to an expert, such as a

person who speaks the same language as the caller, because this would effectively

provide the appropriate additional expertise needed to expedite the call, col. 4 lines 50-
62.

As to claims 6 and 26, which depend on claims 5 and 25, Engelke teaches

wherein the second level of assistance is more specialized then the first level of assistance

(col. 4 lines 42-55; language according to the caller)

As to claims 18 and 36, which depend on claims 1 and 21,

Engelke teach transcription (col. 2 lines 50-55).

However, Engelke does not explicitly teach analyzing transcription for

recommendations.

Eisdorfer et al. do teach analyzing the transcription to identify recommendations

for handling the communication (col. 4 lines 27-40) and providing the recommendations

to one of the first device and the second device (col. 8 lines 45-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to incorporate the teaching of Eisdorfer in the device of Engelke

because Eisdorfer et al. teach that this would provide fast customer service, thus

expertise level for the language is added to avoid excess transferring of calls, and to

balance the CA, call assistant, work load, col. 4 lines 56-67 and col. 8 lines 6-11.

As to claims 19 and 37, which depend on claims 18 and 36,

Engelke teach analyzing the transcription (col. 2 lines 50-55).

Engelke does not specifically teach data mining.

However, Eisdorfer et al. do teach analyzing the transcription includes performing

data mining (necessary in the "language determination module" Fig. 6-7) on the

transcription (col. 4 lines 25-43)

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to incorporate the teaching of Eisdorfer in the device of Engelke

because Eisdorfer et al. teach that this would provide quick processing, because through

data mining, the system accurately selects the language-specific parsers, which parse the

messages in different languages, col. 4 lines 56-67 and col. 8 lines 6-11 and col. 7 lines

57-65.

As to claims 20 and 38, which depend on claims 18 and 36,

Engelke teach analyzing the transcription (col. 2 lines 50-55).

Engelke does not specifically teach identifying recommendations for handling

communications.

However, Eisdorfer et al. do teach analyzing the transcription to identify

recommendations for handling the communication includes using at least one of a neural

network (Fig 1, col. 6 lines 56-62).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to incorporate the teaching of Eisdorfer et al. in the device of

Engelke because Eisdorfer et al. teach that this would provide fast customer service by

(network) routing the calls automatically, col. 6 lines 61-67.

7.   Claims 16-17 and 34-35 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Engelke (6,594,346) as applied to claims 1, 21, and 39 above, and

further in view of Beck et al. (6,370,508).

As to claims 16 and 34, which depend on claims 1 and 21, Engelke teach a first

and second device (Fig. 1 elements 32 and 60).

However, Engelke does not specifically teach first and second device using the

same entities.

Beck et al. do teach providing the device using the first device and the second

device are provided by a same entity. (Beck uses a "single entity" for string dialog

which will occur between first and second devices, such as agent A and customer B,

column 22, line 22-24 and Fig 3-4).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to incorporate the teaching of Beck et al. in the device of Engelke

because Beck et al. teach that this would provide easy accessing and therefore the same

entities provide quick information via a party device, col. 18 lines 6-10 and col. 22 lines

18-27.

As to claims 17 and 35, which depend on claims 1 and 21, Engelke teaches

a first and second device (Fig. 1 elements 32 and 60).

However, Engelke does not teach the first device and the second device are

provided by different entities.

Beck does teach providing the device using the first party and the second device

are provided by a different entity. (Beck uses an "enterprise entity" which is defined as

an agent, knowledgeable worker, or any other live attendant, so the party devices, either

via telephone or WEB, can be different entities or workers column 18, line 6-10 and Fig

1).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to incorporate the teaching of Beck in the device of Engelke Beck et

al. teach that this would provide the user with information in a personalized fashion based

on the enterprise entity (different entities) such as a knowledgeable worker, a service

person, or automated response action such as fax, IVR and automatic file downloads, col.

17 lines 60-65 and col. 18 lines 3-12.

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. See attached PTO-892.

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire later than

SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Myriam Pierre whose telephone number is 571-272-7611.

The examiner can normally be reached on 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Richemond Dorvil can be reached on 571-272-7602. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

MP   2/1/06

RICHEMOND DORVIL
SUPERVISORY PATENT EXAMINER